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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) CR 10-00731 LHK
14 Plaintiff,)
15 v.) STIPULATION AND [PROPOSED]
16 HAI MANH HOANG,) ORDER CONTINUING STATUS
17 Defendant.) CONFERENCE AND DOCUMENTING
) EXCLUSION OF TIME.
18 _____)

19 The defendant, Hai Manh Hoang, and the government together respectfully stipulate as
20 follows:

- 21 1. A change of plea or status conference is currently scheduled in this matter on May 9,
22 2012, at 9:00 a.m.;
- 23 2. The parties hereby advise the Court that the parties are continuing to confer over the
24 disposition of the matter. Additional facts have come to light during that discussion that
25 require further inquiry by counsel for defendant Hoang. Counsel for defendant Hoang has
26 also been involved in a significant trial;
- 27 3. The Court is not available May 16, 2012, or May 23, 2012.

28 Accordingly, the parties request that the Court set the matter for change of plea May 30,

STIPULATION AND [PROPOSED] ORDER

1 2012, to enable continuity of defense counsel and to allow defense counsel to finish the necessary
2 investigation. The parties therefore request that the Court set the matter for change of plea or
3 status conference on May 30, 2012, at 9:00 a.m. The parties jointly request that the Court exclude
4 the period of time between May 9, 2012, and May 30, 2012, under the Speedy Trial Act
5 calculation for continuity of counsel and effective preparation of counsel, taking into account the
6 exercise of due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

7 IT IS SO STIPULATED.

8
9 Dated: May 8, 2012

/s/
10 RICHARD POINTER
Counsel for Defendant

11
12 Dated: May 8, 2012

MELINDA HAAG
United States Attorney

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14 /s/
15 MICHELLE J. KANE
Assistant United States Attorney

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18 ORDER

19 Based upon the representation of counsel and for good cause shown, the Court finds that
20 failing to exclude the time between May 9, 2012, and May 30, 2012, would unreasonably deny
21 the defendant continuity of counsel and would deny counsel the reasonable time necessary for
22 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
23 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
24 between May 9, 2012, and May 30, 2012, from computation under the Speedy Trial Act
25 outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS
26 HEREBY ORDERED that the time between May 9, 2012, and May 30, 2012, shall be excluded

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1 from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) and the
2 matter is set for change of plea May 30, 2012, at 9:00 a.m.

3 IT IS SO ORDERED.

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5 Dated: 5/9, 2012
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LUCY H. KOH
United States District Judge

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